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**TO:** United States Patent and Trademark Office**NAME:****DATE & TIME:** December 3, 2004**PAGES TO FOLLOW:** 2**FAX NUMBER:** 703-872-9306**FROM:** Morris, Manning & Martin, LLP**CHARGE TO:****NAME:** John R. Harris**CLIENT/MATTER:** 4526-29945**PHONE:** (404) 233-7000**CONFIRMATION TIME:**\_\_\_\_\_  
HR MIN SEC**COMMENTS:**Serial No. 09/552,073  
Applicant: Adam Coyle et al.  
Filed: April 19, 2000  
Group Art Unit: 3624**CERTIFICATE OF MAILING**

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John R. Harris Reg. No. 30,388**IF YOU HAVE ANY DIFFICULTY WITH THIS TRANSMISSION, PLEASE CALL (404) 233-7000**

SERIAL No. 09/552,073  
ATTORNEY DOCKET NO.: 4526-29945

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Adam Coyle et al.

Serial No. 09/552,073

Filed: April 19, 2000

For: CASH CARD

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Art Unit: 3624

DEC 03 2004

Examiner:  
Colbert, Ella

CONF. No. 3055

RESPONSE TO OFFICE ACTION / SUBSEQUENT RESTRICTION  
REQUIREMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

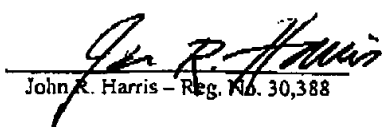
Responsive to the office action mailed November 3, 2004 containing a subsequent restriction requirement, the Applicant withdraws the prior election of the Group II inventions (then consisting of claims 48-57 and 85-129), and hereby elects the Group I inventions (now consisting of claims 26-84 and 118-129), *with traverse*. There is no traverse, however, to the grouping of Group III.

The examiner is requested to withdraw the separation of the invention now in Group II (claims 85-117) and include those claims in with Group I, for the following reasons.

Apparently, the examiner re-cast the grouping of the claims so that Group II now consists of only claims 85-129, and claims 48-57 have now been moved to Group I. The inventions of both Groups I and II have now been characterized as Class 705 (AUTOMATED ELECTRICAL FINANCIAL OR BUSINESS PRACTICE OR

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John R. Harris - Reg. No. 30,388

SERIAL No. 09/552,073  
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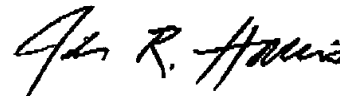
MANAGEMENT ARRANGEMENT), subclasses 39 and 40. The Group I inventions are shown in the USPTO classification manual as subclass 39, "Finance, Including funds transfer or credit transaction," while the Group II invention is shown in the manual as subclass 40, "Finance, Including funds transfer or credit transaction, bill distribution or payment." In other words, the classification of Groups I and II is so close that the only difference is a single level within the USPTO classification manual, two and three levels deep. And, what does "bill distribution or payment" have to do with a "cash card"?

It is difficult to understand how the examiner could conduct a search in subclass 40 without also considering the art in subclass 39. The examiner's only seeming justification for requiring claim 85 to be in a different group from the claims of Group I is inclusion of the cash card aspect, as indicated in the office action: "drawn to conducting financial transactions with a cash card, classified in class 705, subclass 40". How does the examiner conclude that subclass 40 has anything to do with a "cash card"? Why does this justify a separate grouping, given the similarities in the claims?

In this regard, there is a substantial relationship between Group II (claim 85) and the other claims in Group I – all claims in both groups include the direct deposit aspect and the issuance of a negotiable instrument aspect. This relationship strongly suggests that these claims should be examined together.

It is submitted, and respectfully requested, that the examiner reconsider the grouping and include claim 85 and its related dependent claims in Group I, so as to avoid further delay, inconvenience, and unnecessary expense to this already-delayed and unduly complicated prosecution.

Respectfully submitted,



John R. Harris  
Reg. No. 30,388  
Attorney for Applicant  
MORRIS, MANNING & MARTIN, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, N.E.  
Atlanta, Georgia 30326

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